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# LAW, TRANSLATION, AND VOICE

## Transformation of a Struggle for Social Justice in a Chinese Village

Sophia Woodman

**ABSTRACT:** The channeling of popular struggles through legal cases is central to the strategy of the emerging “rights defense” movement in China, linking grassroots contention with professional mediators who translate grievances into the institutional environment of law. This was the case in an unusual, ultimately unsuccessful campaign in 2005 to remove an elected village chief in Taishi Village in Guangdong, China, by legal means. While the grievances that sparked the campaign were about the unequal distribution of the benefits from village development, the strategy of instituting a recall procedure and the framing of the campaign in terms of democracy and rule of law obscured distinctly gendered issues of poverty and inequality in the village, even though women were among the most visible protesters. This article employs a “sociology of translation” to link framing processes and power dynamics, thus proposing a methodological approach to reconnecting framing with other aspects of movements. In the Taishi case, the translation of the dispute into the language of law had contrary effects: it opened the door to a legitimate, if temporary, public space for the airing of villagers’ claims. At the same time, translation legitimized the voices of “experts” who then became *de facto* leaders in this public space; it also increasingly shifted the action to the internet, to which the villagers apparently had no access. This analysis raises questions about whether such strategies may result in either the formation of durable rights-based identities among grassroots participants or a sense of being connected to a broader social movement.

In the summer of 2005, a long-simmering dispute in the Pearl River Delta’s Taishi Village over the distribution of benefits from “development” erupted into street protests after several villagers, acting on advice from outside activists, initiated a legal procedure to remove the elected village chief, Chen Jinsheng, on

the grounds that he and his cronies had pocketed funds that should have gone to the collective welfare. While the recall was ultimately unsuccessful and the protests ended in brutal repression, at certain points the campaign achieved significant victories and resulted in extensive mobilization among villagers, particularly middle-aged and elderly women.

Although the protests in Taishi Village were rooted in efforts to achieve social justice for impoverished villagers, outside the village, the framing of the contention was quickly transformed into a campaign for democratic rights. As such, Chinese legal scholars and activists in the “rights defense” movement heralded the campaign as a breakthrough, a major step toward political reform from the grassroots up. The villagers’ legal adviser, Guo Feixiong, later wrote: “Our objective is very clear: we will promote ‘political reform under the rule of law’ as exemplified in the ‘Taishi model,’ thus realizing constitutional democracy gradually and in an orderly manner.”<sup>1</sup>

This vision was not the starting point of the campaign. Its genesis may be seen in what became its iconic image: a woman in her eighties standing on a pile of rubble with a loudhailer. This photo accompanied a news item on the Taishi villagers’ first public meeting.<sup>2</sup> During its short duration—July to September 2005—the campaign attracted extensive media attention inside and outside China, and the picture was widely circulated on the internet. So, what did the woman, Feng Zhen, say? The journalist did not record her exact words, but reported that she spoke in an “accusatory tone” of how the Villager Committee headed by Chief Chen had been unfair in distributing the wealth generated from the village’s collective assets. As a consequence, she said, some villagers such as her were now very poor, and she could not afford medical treatment.

The elision of her actual words was not incidental; it was the first indication of a pattern in the evolution of the contention in which the grievances of some of the most intrepid protesters, predominantly women, were displaced by the reframing of the dispute. These grievances were about social justice,<sup>3</sup> *not* democracy or the rule of law: they centered on the fact that while as much as a third of the village’s arable land had been taken over by industrial and commercial enterprises, a number of its residents were living in dire poverty. The villagers charged Chief Chen with corruption, nepotism, maladministration, and neglect of the village poor. Acting on the advice of Guo Feixiong and other outsiders, they initiated the recall procedure.

So what was the relationship between the two divergent central frames of this dispute, democratic rights and local poverty amid rapid “development”? By exploring the processes of translation from one to the other, this article considers the potential of the legal strategies adopted by China’s growing “rights defense movement” to generate popular mobilization and consciousness of

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1. Guo 2005 (Wo), unpaginated.

2. Feng Shanshu 2005.

3. This is not the term used by the villagers. As noted by Wong, the phrase “social justice” is not commonly used in mainland China (2004, 152). I am using it here to summarize the types of grievances raised in the Taishi protests.

rights. The loose-knit network of activists across China that constitutes the movement seeks to link grassroots contention and elite politics,<sup>4</sup> and legal cases have become the core strategy of a growing number of rights defense lawyers, who are “consciously us[ing] lawsuits as social mobilization for legal and political reform.”<sup>5</sup> From the point of view of rights defense activists, then, the Taishi campaign was an attempt to link local contention to a national movement by connecting grassroots protests to elite allies. Two activists from outside the village were involved in the planning and execution of the campaign, while many others helped to raise the profile of the dispute. There was intense discussion about the case among people in the rights defense movement, mediated through the internet and extending into transnational media, as well as among a wider network of supporters, among them prominent public intellectuals.

The linkages made in these rights defense cases address a gap identified by both scholars and activists. Despite a phenomenal rise in contentious collective action across China from the 1990s onwards,<sup>6</sup> grassroots protests have largely failed to find elite allies.<sup>7</sup> Elizabeth Perry has claimed that a principal explanation for the failure of the 1989 protests to pose a real challenge to the dominance of the ruling Communist Party was the insistence of the students on keeping emerging workers’ organizations at arms length.<sup>8</sup> Writing on more recent worker protests, Ching Kwan Lee argues that among the reasons the rapid rise in public expression of discontent has resulted in only piecemeal concessions rather than more systemic change are a lack of connection between elites and protesters on the ground and the absence of cross-class linkages.<sup>9</sup> Yet some maintain that these conditions are beginning to change. Writing in 2006 on the rising tide of rural protests, Kevin O’Brien and Li Lianjiang assert that these could well evolve into “a more far-reaching counterhegemonic project” and that the situation is ripe for exploitation by “social movement entrepreneurs.”<sup>10</sup> Jae Ho Chung, Hongyi Lai, and Ming Xia point to “[c]ity-based democracy movements” as a potential bridge between different types of protests.<sup>11</sup> According to Jean-Philippe Béja, the rights defense movement is already bridging the class divides that hampered previous movements.<sup>12</sup>

As one of the first major “cases” taken up by the rights defense movement, Taishi is a “critical case”<sup>13</sup> through which to examine the effects of such linkages on identity and mobilization. In this article, I focus on the public spaces for debate created around the Taishi contention and on what kinds of framings of the

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4. The protagonists of this self-styled “movement”—which includes lawyers, academics, journalists and semi-professional activists—generally date its emergence to 2003, when the death of a young migrant in police custody provoked a nationwide campaign on the internet. See for example Fu and Cullen 2008.

5. Feng 2009, 161; see also Fu and Cullen 2008; Mosher and Poon 2009.

6. Chung, Lai, and Xia 2006; Tanner 2004.

7. Lee and Friedman 2009; O’Brien 2009; Lee 2007.

8. Perry 2002.

9. Lee 2007.

10. O’Brien and Li 2006, 126-27.

11. Chung, Lai and Xia 2006, 30.

12. Béja 2009.

13. Snow and Trom 2002, 158-59.



Issues of gendered poverty brought many women to the forefront of the protests in Taishi. Here an elderly villager comes to have her signature on the recall motion verified by a township official, on 7 September 2005. (Credit: Huang Haitao)

dispute were used in them. I highlight the roles of several actors in the transformation of the central frames of the Taishi dispute, employing a “sociology of translation” to explore these processes, including how certain “collective action frames” were chosen and the power effects of these choices. This methodological approach highlights changes in the action and the position of actors over time, showing how choices of language and strategy shape emerging hierarchies among actors, serve to alter patterns of power, and privilege certain types of action. It has particular relevance, then, for contentious politics around law and rights. The material conditions of the action and the inseparability of human and nonhuman “actants” are also highlighted in my account; for example, the effects of access to different technologies.<sup>14</sup> The law itself is one such technology. My approach envisages a number of doors or “passage points”<sup>15</sup> that open to different “public spheres,” focusing on how these political spaces are constituted and who can speak in them. It thus highlights the middle people: translators or mediators who move and translate between such spaces.<sup>16</sup> Such people have a variety of different roles, identities, and loyalties, some of which may be crucial in shaping movement outcomes.

My analysis of the Taishi case shows that the translation of grassroots grievances into legal cases as a strategy for building a counter-hegemonic movement

14. Callon 1986; Latour 2005.

15. Callon 1986.

16. Chatterjee 2004; Merry 2006 (Transnational) and 2006 (Human); Stern 2005.

in China may have contrary effects. On the one hand, by providing a procedural avenue for villagers' claims, translation into the language of the law opened the door to institutional arenas for claims-making. It thus created a legitimate, if temporary, public space for the airing of villagers' grievances beyond the village. At the same time, however, it deprived many of the original claimants of voice in that public space: translation shifted the focus of the contention in such a way that women like Feng Zhen could no longer speak the public language in which the campaign was conducted. Translation legitimized the voices of "experts" who then became de facto spokespersons—even leaders—for the collective action; it also shifted the public space in which the action was conducted to a virtual one—the internet—to which the villagers had no access.<sup>17</sup> For these reasons, I argue, the potential for the formation of durable rights-based identities among participants in the collective action—and also of a collective identity for a sustained movement that might endure despite official repression—was greatly diminished. Even in the face of state hostility, the emergence of such identities could be facilitated through *alternative* spaces in which people have the opportunity to transform their own needs talk into rights talk,<sup>18</sup> but apparently this did not occur in Taishi.

### Translation and Collective Action

The analysis of the "collective action frames" through which social movements communicate has become a major subfield in the sociological literature on social movements.<sup>19</sup> While advocates of this approach see framing as "an active, processual phenomenon that implies agency and contention,"<sup>20</sup> all too often the processual dimension is lost in a focus on identifying types and forms.<sup>21</sup> In analyzing the effects of choices of subject matter and strategy in the Taishi contention, I adopt translation as a concept metaphor that highlights process. Framing implies that existing elements are selected, isolated, and highlighted, while translation implies transformation and mediation on two levels: language and action. In Bruno Latour's conceptualization, translation is "a connection that transports...transformation." Mediators, human and nonhuman, are not mere conduits or "intermediaries," they "transform, translate, distort and modify the meaning or the elements they are supposed to carry."<sup>22</sup> This concept of translation concentrates on the transformations that occur as linkages are created between the human actors, their textual formulations, and the material conditions of the action. It thus provides a means to link framing with other aspects of movements.

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17. Aside from the texts cited here (which were all put online by others), I did not find any postings by Taishi villagers, and there are none in the compilation of internet postings (Fan 2005).

18. Baioocchi 2005; Johnston 2000.

19. Its application to contention in China is fairly recent. See, for example, various chapters in O'Brien 2008; Thornton 2002 (Framing); and Thornton 2002 (Insinuation).

20. Benford and Snow 2000, 614.

21. Benford 1997.

22. Latour 2005, 108, 39.



The choice of collective action frames and the way they are woven together into “a cultural matrix” from available political and cultural resources depends on particular actors and their situations.<sup>23</sup> But these actors often speak very different languages, literally and figuratively, and thus framing choices can validate some ways of speaking and invalidate others. In addition, the process of translation opens up certain spaces to certain speakers, while closing the door on other voices and other versions. Adopting a certain “problematization” defines the actors and their potential roles, setting in motion a chain of engagements that shape the form of the collective action.<sup>24</sup> Analyzing collective action from the perspective of translation foregrounds the power effects of framing choices. It attempts to trace how these power effects come about, rather than attributing them to a preexisting structure of domination.<sup>25</sup>

I combine translation in this sense with a different version focused on persons that has been widely used in fields including socio-legal studies and anthropology. This version highlights the people who mediate between the grassroots and higher levels and emphasizes that their positioning affects the outcomes of their intervention. For example, Sally Engle Merry and Rachel Stern show that the relative commitment of “translators” to transnational forces and to local communities shapes the adaptation of human rights to local conditions and traditions.<sup>26</sup> While their focus is “translators” in the transnational spread of human rights as discourse and practice, their perspective is also useful in illuminating primarily intra-state processes, as I use it here. In particular, it helps to reveal specific features of contentious politics in the terrain of law, since as an “institutional environment” law makes mediators and translators crucial to the activation of a politics of rights.<sup>27</sup>

As Merry points out, sustaining such a politics and fully incorporating rights into local practice depend on transforming the identities of participants into rights-bearing subjects in a durable way. She argues that this transformation is contingent on whether or not an individual or group’s use of rights-oriented approaches is successful and whether or not such an identity receives institutional support.<sup>28</sup> The latter element could take non-state forms, particularly the formation of “subaltern counter-publics” in which needs talk can be translated into rights talk.<sup>29</sup> But the individualizing nature of rights may make the formation of collective identities around them particularly problematic,<sup>30</sup> raising a further set of questions about links between rights consciousness and mobilization. As Michael McCann indicates, even when activists mount successful legal actions, this has not necessarily led to mobilization around rights, and rights-oriented mobi-

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23. Tarrow 1994, 134.

24. Callon 1986, 203–11.

25. Latour 2005, 83.

26. Merry 2006 (Transnational), 39–40; Stern 2005.

27. Wilson 2007, 342.

28. Merry 2006 (Human).

29. Johnston 2000.

30. As Melucci cautions, the collective “we” of a social movement is never a given (1995).

lization can occur in the absence of obvious legal victories.<sup>31</sup> Eli Friedman's study of the relationship between worker movements and transnational campaigning in South China highlights an analogous tension between external pressure and local mobilization.<sup>32</sup>

Law has become a key arena for contentious politics in China, and the establishment of legal institutions and the codification of legal norms have proceeded at a rapid pace. One aspect of the state project of "legal construction" has been to channel grievances into legal arenas. Seeking out relatively "safe" space for protest actions in an authoritarian political climate has been an important feature shaping movement activity,<sup>33</sup> and in the last two decades, law became one of the most important of such spaces, as activists began to use the central government's commitment to "ruling the country in accordance with law" to push forward local claims-making.<sup>34</sup> In rural China, this has been a key strategy in what O'Brien and Li call "rightful resistance," which presses claims against local officials and governments on the basis of central law and policy.<sup>35</sup> But as a number of authors have pointed out, law is used in a variety of different ways, depending on factors such as the venue where the claim is made and the identity of the claimants.<sup>36</sup>

Yet questions regarding how and when individuals and groups adopt rights-based identities and the relationship between these processes and mobilization have been insufficiently problematized. One reason is that the transnational Chinese-language media and opposition groups translate all kinds of grievances and protests occurring in China into rights frames, often obscuring the specific terms the participants use. Goldman is typical in interpreting rising contention to a spread of rights consciousness to "the population at large."<sup>37</sup> The insights of socio-legal studies into the contrary effects of a focus on law as a strategy for social movements<sup>38</sup> have not been sufficiently considered outside a small but growing literature on contention around law in China.

What evidence there is suggests that the effects of engagement with the law on both rights-based identities and mobilization may be mixed and certainly cannot be captured in the simple linear progression posited by many accounts. Mary Gallagher's study of Chinese workers who sought to resolve grievances through legal means—one of the few studies that has systematically considered the development of legal consciousness in China—found that they developed "a better sense of [their] rights but with reduced belief in the law as a capable protector of those rights."<sup>39</sup> Barriers to bringing legal action are high. Michelson's research has found that most lawyers in China do not welcome poor and

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31. McCann 2006.

32. Friedman 2009.

33. Zhao 2000.

34. Diamant et al. 2005; Lee 2007; Feng 2009.

35. O'Brien and Li 2006.

36. Lee 2007; Thireau and Hua 2005.

37. Goldman 2005, 223.

38. McCann 2006.

39. Gallagher 2006, 810.



disadvantaged clients, and have little interest in taking up cases that could threaten their relationships with local power-holders on which successful legal practice depends.<sup>40</sup> Neil Diamant et al. note that research has been insufficient on “how aggrieved parties work to generate solidarity and a critical mass of supporters.”<sup>41</sup>

The rights defense movement is an important site for examining these issues. The movement’s supporters claim that it is “transforming the people’s consciousness from that of obedient subjects to autonomous citizens...and encouraging citizens to further organize themselves for civil rights purposes.”<sup>42</sup> The Taishi affair is used here as a case study of such processes, part of the effort to overcome a disconnection that some scholars have argued has sometimes been fatal to social movements in China.<sup>43</sup>

### Sources and Central Actors

The source material for this article consists of fifteen Chinese-language texts written and circulated in 2005 and 2006, mainly through the internet.<sup>44</sup> This textual focus has obvious limitations, but does provide sufficient materials to analyze the sequence of events and the approaches of some major actors. My principal sources are texts associated with four sets of actors: “the village women,” “the village recall campaigners,” “the cause lawyer,” and “the virtual rights defense movement,” as well as various pronouncements from the local government.<sup>45</sup> Where possible, I use the texts these actors produced, rather than press reports, although in the case of the village women, all were mediated through the reporting of others. The discourses of the actors may be arrayed along a spectrum that reflects their degree of engagement with the universalizing language of law. Both the village recall campaigners and the cause lawyer are the middle elements, and the languages spoken by the village women and the virtual rights defense movement have little overlap, with the village women hardly using the language of law at all.

The texts produced by the village recall campaigners were a collective endeavor, but Feng Qiusheng, the only Taishi villager about whom much more than a name, age, and occupation are known, is the specified author. One of the initiators of the recall campaign and in his mid twenties at the time of the protests, he is an accountant and university graduate whose family has lived in

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40. Michelson 2006.

41. Diamant et al. 2005, 11.

42. Feng 2009, 163.

43. Perry 2001 and 2002; Lee 2007.

44. The intense interest among “rights defense movement” activists in this case meant that efforts were made to preserve the related texts, even after the ban on circulating information on the protests. I use the comprehensive compilation of documents, “Memorandum on the Taishi Village Incident,” compiled by Fan Yafeng, a legal scholar who wrote commentaries on Taishi (Fan 2005). I supplemented this by checking chronologies and accounts prepared by others, including the Wikipedia entry which contains links to important texts (2005). I conducted individual searches to find key texts mentioned in a number of documents but missing from the Memorandum. In the China context, Wikipedia is a repository of information the state will not allow and thus a key resource for materials on protests and collective actions.

45. All translations in this article are my own.

Taishi for generations. He spent four months in detention following the crack-down on the protests, and in March 2006 ran unsuccessfully for election to the local people's congress. I use three texts that Feng coauthored: "Open Letter to Taishi Village Elders and Fellow Villagers,"<sup>46</sup> "Text of Speech of Taishi Villager Feng Qiusheng at the Law Popularization Meeting,"<sup>47</sup> and "Taishi Villagers Hunger Strike Declaration"<sup>48</sup> (hereafter without quotation marks). After Feng's detention on 30 August no further texts appeared.

The village women did not produce any texts themselves, thus their voices are mediated through the reportage of others, particularly Ai Xiaoming, a professor of comparative literature at Zhongshan University and an activist on gender issues. Ai became involved in publicizing the unfolding events in Taishi, particularly the police violence and detentions and their effects on villagers. She eventually made a video documentary about Taishi and wrote a widely circulated account originally published in "Freezing Point," a supplement to the newspaper *China Youth Daily*.<sup>49</sup> Lü Banglie, an activist and adviser to villagers from Hubei Province, also highlights the role of women in the protests in his documentary accounts.<sup>50</sup> Over the last five years, Lü, a farmer turned politician, went from petitioning the authorities about local grievances to being elected to his local people's congress. He initiated a successful recall campaign in his home village and was elected chief of the Villager Committee, receiving 80 percent of the villagers' votes.<sup>51</sup>

The cause lawyer<sup>52</sup> associated with the rights defense movement is Guo Feixiong (real name Yang Maodong), a professional activist from Guangzhou, who had been involved in the 1989 demonstrations as a student. A writer and self-trained "barefoot lawyer," at the time of the Taishi events Guo was employed by the Shengzhi Law Firm in Beijing as a legal adviser. While Guo was a principal liaison with the media and the internet community for the Taishi contention until his detention on 13 September, he wrote very little commentary on it until after the events. While I refer to five of Guo's texts, I focus largely on two: "I am out of jail" and the text of a speech he gave on the Taishi events at Harvard University in June 2006.<sup>53</sup> In November 2007, Guo was sentenced to a five-year prison term for "illegal business"; Guo, his defense lawyer, human rights organizations, and transnational media have all interpreted his conviction as retaliation for his activism.

The perspective of the virtual rights defense movement is considered through the list of internet postings and news articles from the Chinese domestic media related to the Taishi events, as collected in the 383-page

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46. Some Taishi Villagers 2005. "Open Letter" hereafter.

47. Feng Qiusheng 2005. "Speech" hereafter.

48. Feng and Liang 2005. "Declaration" hereafter.

49. Ai 2005 (Taishi); Ai 2005 (Wo linjin).

50. Lü 2005 (Jueshi), 2005 (9 yue).

51. Chai 2004.

52. I am indebted to Fu Hualing for this characterization of Guo.

53. Guo 2005 (Wo); Guo 2006.

“Memorandum” compiled by Fan Yafeng.<sup>54</sup> Since the main focus of my study is the Taishi contention and the public spaces created around it, rather than the engagement of domestic and transnational activists with it through the medium of the internet, I read the titles of these articles and the full text of a small selection of those that seemed most relevant to my concerns.

### Village Recall Campaigners

In July 2005, a group of Taishi villagers launched a campaign to recall their elected Villager Committee head, Chen Jinsheng.<sup>55</sup> Chen had been a leader of the village for many years, previously serving as secretary of the local Communist Party branch, holding this post concurrently with the chairmanship of the Villager Committee at the time of the recall campaign.

Taishi Village, part of Yuwotou Township in Guangzhou’s Panyu District, has a population of just over 2,000, a substantial proportion of whom are poor.<sup>56</sup> Situated in a suburban district of a major Chinese city, following its designation as a “development zone,” much of its land had been leased out or expropriated over the years for factories, so that very little land was left to farm. A village shareholding cooperative functions as a structure for several enterprises, and villagers hold shares that yield an annual dividend.<sup>57</sup> The accounts presented by village leaders indicated that the village was actually in debt, there were thus no funds to put into collective welfare.

Some villagers alleged that nepotism and corruption meant most of them had not received their rightful share of the wealth created by the village land and businesses, and members of the Villager Committee<sup>58</sup> were responsible, they said. In the course of their unsuccessful efforts over a number of years at resolving these complaints through petitioning higher authorities to intervene, several Taishi villagers, notably Feng Qiusheng, were introduced to Guo Feixiong and Lü Banglie. Lü suggested recall as a strategy. This became the first passage point, changing the situation in Taishi from a simmering local dispute to a national cause célèbre. The first step involved collecting the 300+ signatures required under the “Organic Law on Villagers Committees” for a recall motion.<sup>59</sup> On 29 July, a group of villagers submitted copies of their recall motion

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54. Fan 2005.

55. Unless otherwise stated, the account of events is based on the Wikipedia chronology (2005). A detailed account of the whole campaign in English is available: “In Chinese Uprisings, Peasants Find New Allies: Protesters Gain Help of Veteran Activists,” *Washington Post*, 26 November 2005, A1.

56. Ai 2005 (Wo linjin).

57. At the time of the dispute the dividends were only about 1,000 yuan per person per year (from which local taxes and fees would be deducted) (ibid.). This amounted to between US\$74 and \$86. In August 2005, one U.S. dollar was equivalent to 8.10 yuan.

58. Villager committees were written into the 1982 Chinese Constitution as elected “mass organizations of self-management at the grassroots level” (Art. 111). They are not technically organizations of government, but a kind of executive of village self-governance. But villager committee members are agents of the state: they transmit government policies to villagers and ensure their compliance with those policies.

59. Art. 16 of the 1998 PRC Organic Law on Villager Committees stipulates: “A joint petition signed by 20 percent or more of the electors in the village may demand recall of a member of the vil-



Older women (some of them pictured here) played a prominent role in maintaining the month-long 24-hour guard on the Villager Committee office to prevent the removal of “evidence” of wrongdoing by Chen and his cronies. (Credit: Huang Haitao)

to the Panyu District Civil Affairs Bureau,<sup>60</sup> the Yuwotou Township government and the Taishi Villagers Committee, affixed with more than 400 signatures or fingerprints. The following day, the recall organizers distributed in the village their “Open Letter” detailing malfeasance by Chen Jinsheng and the other members of the Committee.<sup>61</sup>

Addressed to “respected elders and village kin,” the Open Letter implicitly contrasts the behavior of Chen and his nepotistic fellows with a lost collective ethos and presents a list of twenty-seven charges. Ten of the charges involve the transfer of land-use rights in which Villager Committee members or their families allegedly gained illegitimate benefit or which had not been adequately explained to villagers. For example, in charge No. 1, the Letter states that villagers were told that 14,960 square meters of land had been leased to the “Profit Jewelry Company” for 2.7 million yuan, but in fact the firm is leasing 29,277 square meters at a cost of 6.4 million yuan. Where is the additional three million yuan? the Letter asks. Among the more general land-related charges is No. 17, which states that the Villager Assembly<sup>62</sup> was never convened to discuss land use, instead “a few village cadres made all the decisions.” Another ten of the

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lager committee. A recall demand must provide the reasons for the recall. Any member of a villager committee whose recall is demanded has the right to put forward opinions in his/her defense. The villager committee must, in a timely fashion, organize a meeting of the villagers’ assembly to vote on the recall demand. A motion to recall a villager committee member must be passed by a majority of the village’s electors.” Of the Taishi population, 1502 were counted as electors, so a recall motion required at least 301 signatures.

60. While the law gives villagers the right of recall, in cases when they wish to recall the villager committee chief or the whole committee, they are supposed to act under the “guidance” of local government. Since the villager committee convenes the meeting of the villager assembly to debate the recall, some outside intervention is inevitable.

61. Some Taishi Villagers 2005.

62. This is supposed to be composed of all adult villagers or their representatives.

charges cover misdeeds ranging from lack of financial transparency to outright corruption. A further seven charges fall into the category of administrative negligence, including approving dangerous buildings, failing to curb pollution from local factories, an unresponsive security team, and lack of attention to the village poor. In the latter category, according to charge No. 21, Villager Committee members “never went to bring cheer to the neediest households on New Year’s Day or other festivals.”<sup>63</sup> This is one of several charges that indict Chen and his fellow Villager Committee members for failing to maintain the collective life of the village by caring for its poor, its infrastructure, and its environment.<sup>64</sup>

On 31 July, the recall group organized an open-air “law popularization meeting” in the village, which was attended by a number of outsiders, including journalists. (Another such meeting was held on 14 August.) Staged just outside the Villager Committee office, the meeting was evidently intended as a show of force. In bringing the dispute into the public eye—particularly through media reporting of the event—this became another critical passage point. Feng Qiusheng presented the legal basis for the recall campaign. Addressing the concerns of “many people who were doubtful about whether the action could succeed,” he said the objective of the meeting was “to build people’s trust.”<sup>65</sup> After Feng completed his speech, he invited others to contribute. A number of women came forward, and then the elderly Feng Zhen stood up on a pile of rubble and spoke to the crowd. As mentioned above, this image appeared with the first report on the recall effort in the official media.

Statements issued by the villagers supporting the recall during the first month of the campaign present their demands in terms of correct and full implementation of the law. The Open Letter and the Speech frame the recall campaign as aimed at implementing central government norms that local authorities have ignored and are thus squarely in the tradition of “rightful resistance” described by O’Brien and Li.<sup>66</sup> The Speech presents a vision of law as “our protective deity” and “a weapon” to be used against “corrupt and rotten elements.” These village cadres who “don’t want to give the power back to the people” must be “pushed out of office.” The characterization of public gatherings on 31 July and 14 August as “law popularization” (*pufa*) meetings claims legitimacy for the creation of a public space for discussion in Taishi by linking it to the long-term state project of legal education of the population.

The claims of the village recall campaigners combine an emphasis on justice defined as fairness and attention to the collective good with their appeal to law, thus giving the legal texts they cite a reach beyond their firmly established meaning. This can be seen as an effort to translate law into a local “vernacular,”<sup>67</sup> bridging the gap between state laws and the grievances of the villagers. It also re-

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63. “Bringing cheer to the neediest households” (*gei tekunbu song wennuan*) is a communist ritual that involves top state leaders visiting poor families (with media in tow), especially around Chinese New Year, to bring gifts, thus showing their concern about poverty and inequality.

64. Some Taishi Villagers 2005.

65. Feng Qiusheng 2005.

66. O’Brien and Li 2006, 5-9.

67. Merry 2006 (Transnational), 39.

flects how law may be used differently depending on the venue.<sup>68</sup> The Open Letter and the Speech thus evince an expansive vision of the rights of villagers to self-governance, including “the right to make decisions on policy on matters large and small,” “the right to know” about all the financial affairs of the village, and “the right to assess” the salaries of village officials.

The Speech does not focus on the provisions on recall, but concentrates instead on the distribution of power in the village. It presents the relationship between the villager assembly and the villager committee in the PRC Organic Law on Villager Committees as one in which the committee should get approval from the assembly on “matters relating to the interests of villagers,” arguing that failing to do so is “a serious infringement of rights and violation of law.” It asserts that the Law gives the assembly “the right to make decisions” and the committee should merely implement them.<sup>69</sup> “In other words, we villagers are the decision-makers, the masters; while the village cadres are just the implementers, the servants.” As a manifestation of this master/servant relationship, the Speech points out, the Villager Committee is supposed to make public the village accounts at least every six months.

The texts produced by the village recall campaigners constitute the village as a public space in which collective interests are determined through deliberative mechanisms, as a means of achieving a just moral order. This vision is contrasted with the nepotistic practices of Chen Jinsheng and his fellow Villager Committee members, who refuse to make public village affairs and conduct village business in a way that benefits their families and cronies, rather than the collective.

### **Local Authorities Push Back**

Local officials sought to assert their own version of the law to situate the protests and their organizers outside the scope of the permissible. Here, as so commonly seen in the rightful resistance studied by O’Brien and Li, the central authorities are the silent partner to which both sides claim to be allied.<sup>70</sup>

Following the 31 July public meeting, tensions rose and police and unidentified men began to be seen around the village. Village officials were spotted going into the Villager Committee office at night, and villagers suspected that they were attempting to doctor the accounts. From 3 August on, villagers supporting the recall maintained a 24-hour watch outside the Villager Committee office. For the next week or so, police and officials from outside the village came periodically to try to get into the office, but were refused entry. Local authorities issued warnings that the blockade of the office was “illegal.” But from the protesting villagers’ point of view they were protecting evidence that would prove

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68. Thireau and Hua 2005.

69. The proper relationship between villager assemblies and villager committees is unclear: the law has little to say about the former bodies. This reflects larger tensions within the idea of villager self-government; crucially, the relationship between villager committees and Party branches.

70. O’Brien and Li 2006.



the villagers' case as well as assert their legitimate collective rights over village property.

Tensions came to a head on 16 August, when a number of villagers were injured in clashes with police and officials who were trying to detain village activists, seven of whom were arrested and held for 15-day administrative detentions.

On 29 August, the Panyu Civil Affairs Bureau declared the villagers' recall motion invalid on the grounds that only a copy of the original had been submitted. On 31 August at 6:30 A.M., eighty Taishi villagers staged a protest outside the Panyu District government headquarters carrying a banner that read: "Hunger strike to protest the illegal actions of the Panyu District Civil Affairs Bureau in breaching the PRC Organic Law on Villagers Committees." The day before, they had prepared the "Taishi Villagers Hunger Strike Declaration," which Guo Feixiong posted on the internet on 31 August. This text was also given out to passersby at the protest site.<sup>71</sup> At 9:30 A.M., police arrested three key organizers of the protest, Feng Qiusheng, Liang Shusheng, and Feng Huibiao. At 11:00 A.M. police took away the protesters' banner. But the protest continued, and in the course of the following two days, as protesters were arrested, new groups came to replace them, and were themselves detained.

The Hunger Strike Declaration provides an account of what had happened up to that time and presents a defense of villagers' actions, in particular the blockade of the Villager Committee office. The basic argument is that the villagers' actions are protecting the law, while the officials who are trying to thwart them are breaking it. While the previous two documents focused on the village cadres, here higher-level officials are considered complicit. By trying to make the villagers surrender the accounts, the township officials are shielding corrupt cadres by allowing them to destroy the evidence of their crimes. The villagers also criticize the Panyu Civil Affairs Bureau's refusal of their recall motion as "a serious violation" of the law. "Since ancient times, officials just protected each other" when any of them had violated the rules, the Declaration says, "so what recourse do we villagers have?"

The Declaration also focuses on the brutality of police actions against villagers, particularly highlighting the injuries of a 16-year-old boy and an 80-year-old woman. The peaceful behavior of villagers is contrasted with this. It characterizes arrests of activists as an effort to stop the recall campaign. According to this view, state power is being exercised in ways that merely serve to protect the interests of officials.

The tone of the Declaration is impatient, even desperate. Guo advised the villagers to challenge the Panyu Civil Affairs Bureau decision through administrative reconsideration or litigation.<sup>72</sup> The Declaration explains: "We asked how long this would take, and they said, several months. This made us feel in despair, how can we wait that long?" They could not continue to blockade the

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71. Feng and Liang 2005.

72. Guo 2005 (Taishicun).

office for several months, as this would disrupt village businesses. The Declaration concludes: “We want democracy! We want justice! We want rule of law! We are the masters of the country; we have the right to determine our own fate!”

The Open Letter positions the recallers as the legitimate representatives of the villagers, stating that “the elders and fellow villagers have reacted strongly, consistently arguing that Villager Committee Chief Chen Jinsheng should assume major responsibility for these problems.” In terms of their approach to leadership, the villagers focus on strength in unity. The Speech urges the villagers to adopt a rights-based identity, calling on them to “take back” their rights, and states that “if everyone unites as one heart, to struggle for our legitimate rights and interests in accordance with law, we will definitely achieve victory.” The combination of having the law on one’s side and self-reliance was thought to guarantee success. This egalitarian vision reflects an inclusive and democratic ethos.

For the villagers, social justice is integral to the campaign; it is not just a question of halting corruption, but also of remedying the gross inequalities that resulted from the redistribution of village resources. The implicit message is that villager self-governance should mean a fair share for all, and they see solidarity as a key value of such governance. They envisage the public space of deliberation over village affairs as one in which all can assert claims on village resources, thus intimately linking political rights with economic rights.

But the villagers clearly believe they need outside help to change the power structure in the village. They repeatedly highlight the importance of outside supporters, initially in the Speech, which begins thus: “Elders and fellow villagers, greetings! Today everyone has come together here for law popularization propaganda lectures, to which, we hear, news media reporters, experts, and scholars have also come over from Guangzhou, to observe this meeting. To start with, on behalf of us all, I would like to offer them our sincere thanks for coming over!”<sup>73</sup> The Declaration concludes with an appeal to outsiders: “Brothers and sisters of the world please extend your hand in support to assist us in realizing our rights. We are truly grateful to you!”<sup>74</sup> Cutting off outside support and engagement was central to the strategy the local authorities adopted to suppress the protest movement.

## Village Women

For the most part those who spoke and wrote about what happened in Taishi were men, but middle-aged and elderly women were also at the forefront of the protests, according to the available images and some accounts of the events. Through their actions, the women opened up a public space, but what they said went largely unrecorded and thus did not travel beyond the immediate space in which their speech occurred.

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73. Feng Qiusheng 2005.

74. Some Taishi Villagers 2005.

Ai Xiaoming's reporting explains the prominence of women in the protests by detailing the gendered nature of the poverty in Taishi Village.<sup>75</sup> She describes how many of the village men have left the village to find work; a number of women who married into Taishi village have to work as farm laborers for low wages (as they have no land to farm); while some of the elderly women have to sort and haul garbage for a living. Although there are more than one hundred factories on what used to be village land, some people can hardly afford to pay the necessary fees to send their children to school.<sup>76</sup>

Ai's accounts seek to give voice to the women who played such central roles in the recall campaign. A "grandma" who was detained describes her interaction with the police. She insists that no one pressured her to attend the 31 August hunger strike protest, and she uses the opportunity of conversing with officials to point out her economic difficulties, the plight of her sick husband who has not had proper treatment, the poor food she has to eat, and her lack of income since she has no land to farm.

I told them that things are very difficult for us; we had hoped to get some benefit for our household along with the [village]. Why is there no money to share out although our land has been taken? They asked how much we get per year, and I said that each person's share is around 600 to 700 [yuan]. How can we eat with such a small amount of money? If we had land, even a little, if we got just one or two mu back, we could grow something to sell for our livelihood. They said, what about your children then? I said sometimes our children give us some money, but they don't have much. So sometimes we have around 100 [yuan] for medical care, but you know that if you are sick and you don't have money these days they won't even let you into the hospital. They nodded.<sup>77</sup>

Lü Banglie also highlights the role of women in the protests, describing how they came forward on the second and third days of the hunger strike despite the arrests on the first day. On both those days, all protesters were female.<sup>78</sup> On the second day, he describes them as engaging in a "battle of wits" with township officials. When officials questioning them after their arrest pushed them to finger the "masterminds" of the protest, they all insisted that the organizers were the officials themselves.<sup>79</sup> Through this verbal twist, the women expressed their anger about how, by insisting that the protests were being orchestrated, the official version of events maligned them and robbed them of agency.

A villager named Chen Ruimei said that when four township officials asked her if she was the mastermind behind this hunger strike protest, she responded: "You are the masterminds, you made us go on hunger strike." The officials asked again, "Isn't there a big boss supporting you? When you guard the Villager Committee office, don't you get paid thirty yuan per

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75. Ai 2005 (Wen Jiabao).

76. Ai 2005 (Wo linjin).

77. Ibid.

78. Lü 2005 (Jueshi); Lü 2005 (9 jue).

79. Lü 2005 (Jueshi).



Village women argue with township officials who are checking signatures on the recall motion on 7 September 2005. Well over one third of Taishi villagers supported the recall motion. (Credit: Huang Haitao)

day? And sixty yuan for the night shift?" Chen answered, "It's Village Chief Chen Jinsheng who is supporting it, and we just get however much he gives us." Spurred to anger, the officials said, "Don't say that again, or we'll sue you!" Chen boldly said, "Go right ahead and sue me!"<sup>80</sup>

The women's persistence led to a compromise: on the third day of the hunger strike, 2 September, the Panyu Civil Affairs Bureau told the protesting villagers that if they submitted original signatures for the recall motion, it would be reconsidered. Through this passage point, the dispute gained procedural legitimacy, but it was a procedure tightly controlled by the authorities. On 5 September, villagers handed in a new version of the motion with some 800 signatures. An official told villagers

that on 7 September, officials of the Bureau would come to the village to verify the identities of the signers, and the following day, a notice was put up in the village to that effect.

The checking of signatories was a contentious event, as the identity documents of some forty villagers were rejected by the work team from the Bureau. Again, women were at the forefront of the effort, with several very old women, including one of over 100 years old, turning out.<sup>81</sup> Over the course of two days, 7 and 8 September, 584 signatories were confirmed, thus constituting well over a third of the electors in the village. The following day, the Yuwotou Township government issued a public announcement stating that the recall motion had been carried, posting a notice stating this in Taishi Village on 11 September.<sup>82</sup>

It was largely women who stood guard outside the Villager Committee office between 3 August and 12 September, when forces of the Yuwotou Township government moved into the village to end the blockade. Shattering the villagers' optimism, the authorities employed sixty-three vehicles and close to a thousand police officers and security personnel, including riot police in full gear. High-pressure water hoses were used against the elderly women guarding the office, knocking a number of them down. Officials removed the account

80. Ibid.

81. Lü 2005 (Baisui).

82. Guo 2005 (Qu).

books from the Villager Committee office. As part of this sweep, forty-eight people were detained, a large proportion of them women.

Even after this show of force, some villagers persisted, voting a full slate of independent villagers on to the Recall Committee on 16 September. At the same time, however, the local authorities were working hard to abort the recall campaign. A number of the most active women were held in detention and threatened with prison terms, while their families were pressured. By 23 September, all the independent Recall Committee members had withdrawn, citing poor health, and been replaced by officially backed candidates. Officials went house to house asking people who had signed the recall motion to retract. By 29 September, the authorities were able to announce that with only 188 signatories remaining, the recall motion was invalid. A climate of fear was palpable in the village, with young men in army fatigues patrolling the streets and attacking outsiders who tried to go in to find out what was happening, including lawyers for the detained villagers.<sup>83</sup>

### The Cause Lawyer

In his account of the Taishi events, Guo sets some distance between himself and the action: as a “cause lawyer” he sees this as a “case” that forms part of his larger project. The focus of his accounts is on the way the Taishi events exemplify the aims of the “rights defense movement” in claiming legal rights and activating constitutional rights, thus contributing to building the rule of law and also to democratization. They thus have a wider significance as models for action elsewhere.<sup>84</sup> Here, then, the particular needs of the Taishi villagers disappear into a wider project, in which the displacement of the objectives of ordinary people is not considered problematic.

In describing his relationship with the villagers, Guo presents a hierarchically ordered picture. His role in the Taishi protests was to provide guidance and expert advice. When villager representatives including Feng Qiusheng met him and Lü Banglie, they “sought teachings” (*qing jiao*) from them. Guo and Lü suggested the recall strategy to these Taishi villagers, and they “happily” agreed. Lü spent a significant time in the village to give villagers “legal guidance.”<sup>85</sup>

Part of this guidance involved direction on strategy. The nonviolence of the Taishi protests was, Guo says, “based on” talks he “and others” gave on the subject. But the pupils did not always listen: Guo says that rights defense activists “felt very awkward” about the villagers’ takeover of the Villager Committee office, even though no violence was apparently involved, either to property or to persons. As an assertion of rights prior to any adjudication through expert-led processes, this action evidently violated Guo’s sense of rule of law. Nevertheless, Guo asserts that the nonviolent approach of the villagers, despite police brutality, was “a model” for the nation.<sup>86</sup>

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83. Ai 2005 (Taishi).

84. Guo 2006.

85. Ibid.

86. Ibid.

Guo's writings paradoxically combine images of military conquest with commitments to gradualism and nonviolence. He writes:

The events of the past year have proved that the rights defense forces in mainland China are just embarking on a path of simulated retribution and rising grievances, the doctrine of liberalism originating in the West has already been married with China's homegrown tradition of heroes in Confucian and Mencian doctrines, and this generation of believers in democracy will emulate the experience of the Christians in conquering the Roman Empire to conquer the Chinese Empire of Dictatorship. Our objective is very clear: we will promote "political reform under the rule of law" as exemplified in the "Taishi model," thus gradually and in an orderly manner realizing constitutional democracy. Our methods are also very clear: pushing forward a citizenship rights movement through "nonviolence, no enemies, no bloodshed."<sup>87</sup>

Leadership is a crucial factor in determining the outcome of events, in Guo's view. In a note preceding his dissemination of the villagers' Hunger Strike Declaration, Guo highlights the fact that leaders of the Taishi recall campaign Feng Qiusheng and Liang Shusheng were themselves participating, despite the fact that they faced arrest.<sup>88</sup> In terms of his own participation, Guo writes that he stepped "out from behind the scenes" to take responsibility for Taishi events in order to prevent villagers from being sent to jail. Detained on 13 September following the storming of Taishi Village on the day before, Guo was held until 27 December, when he was released without charge.<sup>89</sup>

He asserts: "What we should be proud of is that the greatest sacrifices were made by rights defense activists. They did not hide in the back, but came forward with an ethic of responsibility." Guo reportedly refused food and water from 13 September to 10 November, with two objectives: first, to express his "firm opposition" to the "rampancy of the ugly phenomenon of the arbitrary detention of innocents by wicked power holders"; and second, he thought that the longer he maintained the hunger strike, the more attention would be given to the cases of detained villagers. For people who have thrown themselves into the struggle for democracy and freedom, he writes, "detention and conviction on criminal charges is nothing, it is a kind of glory." Others would be inspired by "heroes like us" to join the cause.<sup>90</sup>

### **The Virtual Rights Defense Movement**

The protests in Taishi Village quickly attracted national and international attention. A handful of domestic media reports quickly led to a large amount of discussion in virtual public spaces on the internet. Even after domestic reporting was blocked by official censors, such discussion continued to be fuelled by regular reporting on developments in the case in transnational Chinese-lan-

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87. Guo 2005 (Wo).

88. Guo 2005 (Jinzao).

89. Guo 2005 (Wo).

90. Ibid.



guage media circulated within China via the internet. Such reports often relied on information from the outsiders involved in the case, particularly Guo Feixiong.

Thus the internet's function in creating "alternative" open spaces for communication and debate among "online publics" was a feature of this case. It also demonstrated how these publics can be connected by cross-posting that spread the news about the Taishi protests from one forum to another.<sup>91</sup> In some senses, the protests themselves also spilled into this public sphere, in that the internet postings were not mere "discussions" but also actions to support the protests, including open letters and appeals for the release of detained people, particularly Guo Feixiong.<sup>92</sup> However, the voices of the villagers themselves are notable by their absence from this public sphere, except insofar as they are quoted by journalists in their articles. Thus this might be termed an oppositional public sphere, but hardly one that provided space for the formation of a *subaltern* counter-public.

In terms of the wider discussion in the activist community, based on a scan of titles of postings and reading of selected items, many of the posts reflect similar approaches to those of Guo, outlined above. They give great importance to the Taishi events, presenting them as a breakthrough in terms of local implementation of rule of law and democratic rights.<sup>93</sup>

There is much emphasis on the role of the rights defense activists, particularly Guo, in initiating and leading the Taishi protests. Following Guo's detention, the internet discussions focus largely on him, although many villagers were held during the same period. Guo is referred to as a "hero" and a "gentleman" (*junzi*), a term of respect. There were a number of open letters and petition drives calling for Guo's release, which often did not even mention the detained villagers by name (although many of their names were known).<sup>94</sup>

In these discussions, as in Guo's account, the Taishi events are not situated in the context of the growing nationwide phenomenon of rural "rightful resistance" documented by O'Brien and Li, which has been written on extensively in China. The local campaigns they describe relied on knowledge and strategy generated by rural people themselves.<sup>95</sup> While the Taishi villagers allude to successful recall campaigns<sup>96</sup> and Lü Banglie was himself involved in such an action, Guo and the internet commentators largely present the Taishi protests as a new and surprising phenomenon.

In this virtual oppositional public sphere, villagers appear as images, as massed protesters. This is a public space in which they are objects of observation, but not speaking subjects. The dispute has been almost entirely translated into one about law and democracy, rather than social justice. The effect of the combined mediation of technology and experts silenced the voices of the vil-

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91. Yang 2003, 461, 463.

92. Fan 2005.

93. Ibid.

94. Ibid.

95. O'Brien and Li 2006, 13-14.

96. Feng Qiusheng 2005.

lage women as well as the synthesis attempted by the village recall campaigners. Here it is the lawyers who are the heroes, the motive force of change. It is not clear whether any Taishi villagers accessed the internet in relation to their protests, but the vast majority of the texts that made up the discussions in the alternative public sphere were not of their making.

## Conclusion

The translation of the Taishi contention into the form of a legal dispute had a paradoxical effect: it became a struggle for democratic rights in which the holders of those rights were largely rendered incapable of representing themselves—except in casting ballots—and others who spoke for them were transformed into the *de facto* leaders of the action.

While the village recall campaigners sought to “vernacularize”<sup>97</sup> the legal provisions on village governance by emphasizing their linkage to visions of moral community harking back to a more collectivist past, this synthesis did not travel extensively, except in the villagers’ texts. For Guo and the rights defense activists, Taishi was about the rule of law and democracy. As a reflection of this translation, the women in the Taishi protests were deprived of voice in the public space beyond the village created around the contention, since they continued to speak in a different language. The dominant language of the dispute drowned out the original grievances in Taishi. Except in the reporting of Ai Xiaoming and Lü Banglie, the village women thus became a mere backdrop to the dramatics of mostly male “heroes.” The connection between the gendered nature of rural poverty highlighted in the Taishi case and the prominence of women in the protests went largely unremarked.

The Taishi case is emblematic of how law has become a primary field of contention in China, with both villagers and officials deploying law as justification for their claims and positions. Mobilizing the law is certainly a way of creating safe space for protest in the face of an authoritarian state.<sup>98</sup> But those asserting claims still have choices; they shape the political opportunity structure, rather than merely reacting to it.<sup>99</sup> China’s designation as “socialist” means that claims for social justice potentially have just as much political resonance as those for legal rights; comparing the present unfavorably with the past is a major theme in expressions of resistance in China.<sup>100</sup> The Chinese government’s rhetoric on giving priority to “the right to subsistence” and its ratification of the International Covenant on Economic, Social and Cultural Rights in 2001 also present opportunities for framing livelihood issues in terms of “rights.”

For the “rights defense movement,” the choice of the legal rights frame reflects a consensus among this loose-knit liberal opposition that solutions to many, if not most, of the nation’s problems can be found in rule of law and constitutionalism. Even though differences of approach are evident within this

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97. Merry 2006 (Transnational), 39.

98. Zhao 2000.

99. Meyer 2004.

100. Personal observation from 2008–2009 fieldwork; see also Chen 2008; Lee 2007.

movement,<sup>101</sup> in its preference for elite-led, “orderly” reform, which largely eschews mass action, this view thus converges with official approaches to popular contention that channel grievances into claims for narrowly defined legal rights based on existing law. This is partly inherent in the idea of a rights “case,” in which a solution to a specific problem is sought through legal institutions and procedure.<sup>102</sup> Such a view of rights tends to be conservative in that it stabilizes the existing order, requires the intervention of experts, and often moves the dispute out of spheres where the people concerned have a voice. Rights, then, are inherently ambivalent: whether they are a conservative or radical force depends on the particular context of their deployment.<sup>103</sup>

Of course, as Meyer notes, in polities that are repressive, “virtually everyone with a grievance has interest in cooperating in opposition.”<sup>104</sup> Certainly, the village women were ready to mobilize. From the evidence available, they felt that the moral superiority of their claims and the involvement of outsiders would bring results, and they had little to lose.<sup>105</sup> The village recall campaigners used the law to create a public space for discussion of these grievances and attempted a synthesis between legal texts and a moral vision of a fair share for all. However, such mobilization was unsustainable in the face of official repression, although the question of whether it had any long-term effects on those at the forefront of the protests remains open.

What can be said is that the recall campaign strategy meant that the legal experts were ineluctably translated into being the leaders of the campaign as it unfolded beyond the village itself, confirming Callon’s assertion, “To translate is to displace.”<sup>106</sup> The public spaces opened up by this approach were not conducive to the formation of subaltern counter-publics,<sup>107</sup> since they were oriented toward legal argumentation and expertise and were also temporary in nature, lasting only for the procedural duration of the campaign. The alternative public sphere of the internet was apparently inaccessible to the villagers. Unlike more radical spaces for counter-publics elsewhere,<sup>108</sup> these public spheres did not provide opportunities to turn needs into public matters and thus make connections between political and economic rights. The grievances of Taishi thus entered the national public sphere for a brief moment to demonstrate the legitimacy of channeling the contentious politics of local claims through the orderly process of the law.

As well as bridging divides between collective actions, creating a counter-hegemonic movement based on rights depends on transforming the identities of participants into rights-bearing subjects, a process that is not easy, even in

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101. Fu and Cullen 2008; Pils 2007.

102. Scheingold 2004, 6.

103. In my view, the contrast between “rules consciousness” and “rights consciousness” debated recently in China studies actually reflects an ambiguity which is apparent in the role rights have played far beyond China. See Li 2010; Perry 2009; Perry 2008.

104. Meyer 2004, 140.

105. Ai 2005 (Wo linjin).

106. Callon 1986, 223.

107. Fraser 1997.

108. See for example Baiocchi 2005 and Johnston 2000.

more rights-oriented cultural environments. As Merry writes, “Poor women think of themselves as having rights only when powerful institutions treat them as if they do.”<sup>109</sup> Evidently, the failure of the Taishi recall campaign made unlikely such a transformation of the villagers’ sense of identity, and particularly the development of a collective sense of belonging to a rights defense movement. Yet this was not merely an effect of repression: the translations made in the course of the contention also failed to build on the evident enthusiasm of the villagers, and the synthesis the village recall campaigners tried to achieve was largely ignored in the oppositional public sphere.

While the “vanguardist tendencies” of outsiders who come in and “supplant” the objectives of a grassroots movement with their own would likely be challenged in India,<sup>110</sup> in opposition circles in China no such critique is in evidence. For a movement focused on supporting claims for rights, the question of what forms of leadership promote these underlying values are of particular importance. Although experience elsewhere indicates that democratic and inclusive forms of organizing may result in more effective movement strategy, leadership in social movements has often been “bureaucratic” and “exclusivist.” The former, characterized by hierarchy and command, is oriented toward accommodation with existing elites and diminishes the transformative potential of movements; while the latter concentrates leadership into “core groups” that are separated from a more passive mass of followers, leading by means of “heroic example.”<sup>111</sup> Such tendencies were apparent in the Taishi contention.

Overall, then, the Taishi affair highlights potential difficulties in creating linkages between instances of protest on the ground through the use of “legal rights” cases, both in terms of connecting grievances to strategies and in contributing to broader and more sustained mobilization through the formation of subaltern counter-publics. As used by Guo and the rights defense activists, the rights “master frame”<sup>112</sup> failed to incorporate social justice issues or to connect resources emerging from rural struggles to their wider project. Similar distances between local organizing and the framing and approaches of potential elite allies are also evident in labor-related contention.<sup>113</sup> An example is the distance between the Maoist rhetoric frequently deployed by urban worker activists<sup>114</sup> and the liberal approach of many transnational campaign groups.

The examination of this case shows how the concept of translation—both as a form of transformation and as embodied in particular mediating elements or persons who translate—can be used beyond the transnational sphere, with particular applicability to contentious politics involving law and rights. This methodological approach foregrounds the power effects of specific choices of strategy and language as well as the way the material conditions of the action contribute to the outcome. It concentrates on transformations that occur

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109. Merry 2006 (Human), 215; Stern 2005.

110. Bose 2004.

111. Barker, Johnson and Lavalette 2001, 19–21.

112. Snow and Benford 1992.

113. Friedman 2009; Chen 2008; Lee 2007.

through the flows of meaning, engagement of different technologies, and changes of venue, and links various stages and arenas of the cycle of contention.

Writings on social movements often advocate a “process-oriented” approach,<sup>115</sup> but what this entails is rarely specified. A sociology of translation provides pointers for following process and analyzing transformations that occur along the way.<sup>116</sup> Such an approach, for example, addresses the insufficient attention in the framing literature to the consequences of framing for other movement processes and outcomes,<sup>117</sup> while also proposing a methodology for studying these interactions. In this article, by concentrating particularly on key passage points that open into public spheres and the role of human and nonhuman translators and mediators (including technologies, lawyers, and the law itself) in these transitions, I have used this approach to illuminate how certain movement outcomes occurred in a particular case and to illustrate the power effects of choices made by the actors involved.

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114. See for example, Chen 2008.

115. For example, Benford and Snow 2000; Meyer 2004; Tilly and Tarrow 2007.

116. Callon 1986; Latour 2005.

117. Benford and Snow 2000, 631–33.

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